

**UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF ILLINOIS
EASTERN DIVISION**

JAMES M. WORTHEM,)	
)	
Plaintiff,)	07 C 6687
)	
vs.)	Honorable Judge
)	Harry D. Leinenweber
DR. CARASQUILLO, DR. A . TING,)	
PARAMEIDC MS. DOUGLAS,)	Magistrate Judge
TOM DART-SHERIFF, CHIEF WRIGHT,)	
DIR. SALVADOR GODINEZ,)	
)	
Defendants.)	

DEFENDANTS' ANSWER TO PLAINTIFF'S COMPLAINT

NOW COMES Defendants COOK COUNTY SHERIFF THOMAS DART, DIRECTOR SALVADOR GODINEZ, CHIEF EARNEST WRIGHT, DR. ANDREW TING, CMT MARVA DOUGLAS and PA-C LYDIA CARASQUILLO¹, through their attorney, RICHARD A. DEVINE, State's Attorney of Cook County, by his assistant, Michael L. Gallagher, and answer Plaintiff's Complaint at law as follows:

Statement of claim

1. My head trauma first started on June 9, 2006, in an Indiana Super 8 motel.

ANSWER: Defendants are without knowledge or information sufficient to form a belief as to the truth of the allegations set forth in paragraph 1.

2. Then on April 23, 2007, I did suffer more head and physical assaults to my person by C.P.D. Upon there arrest of my person.

¹ Incorrectly named Dr. Carasquillo in Plaintiff's Complaint.

ANSWER: Defendants are without knowledge or information sufficient to form a belief as to the truth of the allegations set forth in paragraph 2.

3. Then on July 25, 2007, I was beaten all over my head, face and body by I.D.O.C. inmates with handcuffs used as their weapon.

ANSWER: Defendants are without knowledge or information sufficient to form a belief as to the truth of the allegations set forth in paragraph 3.

4. I was beaten by a Cook County deputy in Skokie "Boyle" in front of a judge and outside the court room.

ANSWER: Defendants deny the allegations in paragraph 4.

5. I never received any further medical attention as a result of that incident after I was taken to Rush North Shore Hospital.

ANSWER: Defendants are without knowledge or information sufficient to form a belief as to the truth of the allegations set forth in paragraph 5.

6. Then on October 13, 2007, I was in my cell and another detainee Marcus Dixon of whom spit in my face and some landing in my mouth.

ANSWER: Defendants are without knowledge or information sufficient to form a belief as to the truth of the allegations set forth in paragraph 6.

7. Dr. Carasquillo told me that on that day when I was seen by med-staff Nurse Colon and Psych Ms. Williams that they should of sent me to the E.R. for blood works for bodily fluids contamination and that was Nurse Colon and even Dr. Carasquillo is guilty of violations due to her not affording me that medical need also.

ANSWER: Defendants deny the allegations in paragraph 7.

8. Then she broke Doctor/patient privilege by disrespecting me in front of other staff by telling me the only way I could of gotten spit in my mouth is if the spitter put his tongue in my mouth.

ANSWER: Defendants deny the allegations in paragraph 8.

9. Then she and Dr. Ting continues to give me the wrong medications for all these spotted break outs all over my body.

ANSWER: Defendants deny the allegations in paragraph 9.

10. When Dr. Ting said I might be allergic to something I'm wearing or do to sheets I was given a prescription for clothing change but C/O Sandoval gave it to Chief Wright and he stated "who does this guy think he is and threw it in the garbage.

ANSWER: Defendants deny the allegations in paragraph 10.

11. I was taken to receiving on these red spotted break outs and paramedic Douglas of whom has also denied me a renewal on my astha pump 3x now.

ANSWER: Defendants deny the allegations in paragraph 11.

12. She was suppose to send me to the E.R. also concerning these red break outs but refused.

ANSWER: Defendants deny the allegations in paragraph 12.

13. I also showed these red spots to Supt. Hickerson of whom also ignored in and denied me medical attentions.

ANSWER: Defendants are without knowledge or information sufficient to form a belief as to the truth of the allegations set forth in paragraph 13.

14. Since Director Godinez should be aware of all incidents that occurs down the line.

ANSWER: Defendants deny the allegations in paragraph 14.

15. Sheriff Tom Dart is responsible for the safety and security and health issues of all he tends to keep in his jail then he is as guilty as the ones who work for him. Thank you.

ANSWER: Defendants deny the allegations in paragraph 15.

16. I repeatedly complain of back head pains from all my serious assaults but am denied medical proper attention.

ANSWER: Defendants deny the allegations in paragraph 16.

Relief

17. Just that your magistrate see that I am a victim of medical malpractice and cruel and unusual punishments. I would like the court to award me with punitive and compensatory

damages for mental anguish, physical pain and suffering and 20 million dollars for C.C.D.O.C officials ignoring my serious medical issues and attorney fees.

ANSWER: Defendants deny the allegations in paragraph 17.

AFFIRMATIVE DEFENSES

NOW COMES Defendant, Superintendent Turner, by his attorney, Richard A. Devine, Cook County State's Attorney, through his assistant, Michael L. Gallagher, and the state the following Affirmative Defenses:

1. The Defendant's conduct was at all times objectively reasonable and did not violate any of Plaintiff's clearly established Constitutional rights. Accordingly, the Defendant is entitled to the defense of Qualified Immunity.

2. The Plaintiff has failed to exhaust his administrative remedies as required by the Prison Litigation Reform Act, 42 U.S.C. § 1997e(a). See Massey v. Helman 196 F.3d 727 (7th Cir. 1999).

WHEREFORE, based upon the foregoing, Defendants COOK COUNTY SHERIFF THOMAS DART, DIRECTOR SALVADOR GODINEZ, CHIEF EARNEST WRIGHT, DR. ANDREW TING, CMT MARVA DOUGLAS and PA-C LYDIA CARASQUILLO, respectfully requests that this Honorable Court grant judgment in their favor and against the Plaintiff on all aspects of his Complaint and further request that this Honorable Court grant any other such relief that this Court deems just and appropriate.

JURY DEMAND

Defendants, Cook County Sheriff Thomas Dart, Director Salvador Godinez, Chief Earnest Wright, Dr. Andrew Ting, Marva Douglas and Lydia Carasquillo, respectfully demands trial by jury.

Respectfully Submitted,

RICHARD A. DEVINE
State's Attorney of Cook County

/s/ Michael L. Gallagher
Michael L. Gallagher
Assistant State's Attorney
500 Richard J. Daley Center
Chicago, IL 60602
(312) 603-3124
No. 6284132